IN THE HIGH COURT OF JUDICATURE AT BOMBAY
ORDINARY ORIGINAL CIVIL JURISDICTION
CONTEMPT PETITION NO. 53 OF 2005
IN
WRIT PETITION NO. 1620 OF 2004.

Dwarka Ranchodlal Mehta ...Petitioner.
Vs.
Y.J.Patil & Anr. ...Respondents.

Mr. S.L. Deshpande for the Petitioner.
Mr. G.W.Mattos AGP for the Respondent-State.

CORAM : S.K.Shah, J.
DATE : June 24, 2005.

P.**C.**:-

1. The Order of which the violation is alleged to have been committed in this Contempt Petition is the Order passed on 21st February, 2005, wherein it was directed that the Respondents will not make any further recovery, until the matter is finally heard.

2. The learned Counsel for the Petitioner makes it clear that this recovery is of the rent.

3. The learned Counsel for the Petitioner further submits that during vacation, the Petitioners possession of the premises was taken over and, therefore, she submits that there is a contempt of the Order dated 21st February, 2005. The learned Counsel for the Respondents, however, submits that the possession has already been restored to the Petitioner. As the Order does not speak of any injunction against the Respondent No.1, although the learned Counsel for the Petitioner submits that there was a prayer made in the Original Writ Petition to that effect. Since there is no direction with regard to recovery of rent, there is no violation of the

Order. Hence, I do not find any merit in this contempt petition. The contempt petition is, therefore, dismissed.

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[S.K.Shah, J.]